

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

WP(C).No. 37882 of 2007(I)

OS.394/1998 of MUNSIFF COURT,MUVATTUPUZHA

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PETITIONERS:

1. SABU GEORGE, S/O. T.K.GEORGE,
AGED 44 YEARS, RESIDING AT MATHANPADICKAL HOUSE,
THOTTAKKARA KARA, ARAKUZHA VILLAGE, MUVATTUPUZHA.
2. T.K.GEORGE, S/O. KURIAN,
AGED 86 YEARS, RESIDING AT MATHANPADICKAL HOUSE,
THOTTAKKARA KARA, ARAKUZHA VILLAGE, MUVATTUPUZHA.

BY ADV. SRI.SABU THOZHUPPADAN

RESPONDENT:

K.S.SREENATH,
S/O. K.SK.PANICKER, AGED 42 YEARS, SREENILAYAM,
KAVUMPADY, MUVATTUPUZHA (PARTNER AND TREASURER
UNITED KURIES, RAMAMANGALAM, MARADY VILLAGE,
MUVATTUPUZHA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

M.N.KRISHNAN, J.

W.P.(C). NO. 37882 OF 2007

Dated this the 19th day of December, 2007

J U D G M E N T

This writ petition is filed seeking to set aside the order of the Munsiff, Muvattupuzha, in E.A. 257/07 in E.P. 180/07. The said application is filed by a person claiming to be the Treasurer of the partnership firm. The decree holder died on 22.6.04 and the other partners have reconstituted the partnership. On 2.7.04, the Treasurer has been nominated to represent the firm and therefore he must be permitted to pursue the execution petition. It was resisted by the judgment debtor. The court below passed an order permitting him to represent. It is seen that he has produced a copy of the resolution as per which he was authorised by the partners of the firm to proceed with the case.

2. I do not want to interfere at this stage on that aspect. But I make it clear that if there is any legal contention raised by the respondents in the execution petition that the present petitioner in the E.P. is not competent to represent the partnership firm and is incompetent to proceed with the execution proceedings, that may be

considered as a preliminary point before directing any further steps to be taken in the matter. In other words, this order shall not stand in the way of the judgment debtors raising the contention mentioned above.

The writ petition is disposed of accordingly.

M.N.KRISHNAN, JUDGE

vps

